

DATE 17 Sep 07

APPLICATION NUMBER 10/593986

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17 SEP 2007

KALOW & SPRINGUT LLP
488 MADISON AVENUE
19TH FLOOR
NEW YORK NY 10022

In re Application of
Theis et al.
Application No.: 10/593,986
PCT No.: PCT/EP05/03080
Int. Filing Date: 23 March 2005
Priority Date: 27 March 2004
Attorney Docket No.: UMICORE 0175-US
For: Nitrogen Oxide Storage Material And Nitrogen
Oxide Storage Catalyst Produced Therefrom

DECISION

This is in response to the correspondence filed on 28 August 2007.

DISCUSSION

This international application was filed on 23 March 2005 and claimed a priority date of 27 March 2004. The United States was designated. The International Bureau transmitted a copy of the published international application to the USPTO on 06 October 2005. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 27 September 2006. On 25 September 2006, applicants filed *inter alia* the basic national fee.

On 01 June 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the declaration of the inventors filed on 28 August 2007 reveals that it nominates "Juliane KLUGE" in place of "THEIS, Juliane" who was named in the published international application. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 (including the requisite \$400.00 petition fee) is required to resolve the discrepancy in the nominated inventive entity. Such a petition should include, if appropriate, a statement by the inventor and any other individual(s) having first-hand knowledge of the specific circumstances concerning how and when the error was made and discovered, and must also state (if appropriate) that the error was inadvertent and made without deceptive intent. See MPEP § 605.04(b) and MPEP § 201.03(b). Alternatively, petitioner may wish to seek relief under 37 CFR 1.497(d) in the event that the inventive entity is sought to be changed.

It is noted that the declaration document filed on 28 August 2007 is defective for the further reason that it includes un-initialed alterations to the "Residence Address" information pertaining to Markus KOGEL.

CONCLUSION

The declaration filed on 28 August 2007 is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR

1.136(a). Failure to timely reply will result in ABANDONMENT of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration



George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459